



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/685,284 10/10/00 LUMPKIN

W AVID.13-2

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PM82/0821

EXAMINER

KRAMER, D

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

08/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/685,284

Applicant(s)
Lumpkin et al

Examiner
Devon Kramer

Art Unit
3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1, 8, and 18 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (6230850).

Huang provides a cable actuated mechanical disc brake caliper comprising: a caliper housing (1); a cable guide (figure 2) rigidly fixed to the housing, the cable guide having a cable receiving bore extending along a guide axis for axially receiving a cable; a lever arm (6) pivotably attached to the caliper housing for pivoting about a pivot axis, the lever arm being operatively associated with a brake pad to move the brake pad between a retracted and an extended position as the lever arm is pivoted in a first direction from a non-actuated position to a fully actuated position, the lever arm including a cable clamp where it is attached to the lever, the clamp radially spaced from the pivotal attachment for fixedly attaching a cable to the lever arm in a selected

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orientation relative to the lever arm at an attachment point, the attachment point being essentially coincident with the guide axis with the cable arm in the fully actuated position.

3. Claims 1, 8 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyomusu.

Toyomusu provides a cable actuated mechanical disc brake caliper comprising: a caliper housing (1); a cable guide (29) rigidly fixed to the housing, the cable guide having a cable receiving bore extending along a guide axis for axially receiving a cable; a lever arm (16a) pivotably attached to the caliper housing for pivoting about a pivot axis, the lever arm being operatively associated with a brake pad to move the brake pad between a retracted and an extended position as the lever arm is pivoted in a first direction from a non-actuated position to a fully actuated position, the lever arm including a cable clamp where it is attached to the lever, the clamp radially spaced from the pivotal attachment for fixedly attaching a cable to the lever arm in a selected orientation relative to the lever arm at an attachment point, the attachment point being essentially coincident with the guide axis with the cable arm in the fully actuated position; the cable clamp clamping along an axis perpendicular to the pivot axis.

Allowable Subject Matter

4. Claims 2-7, 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

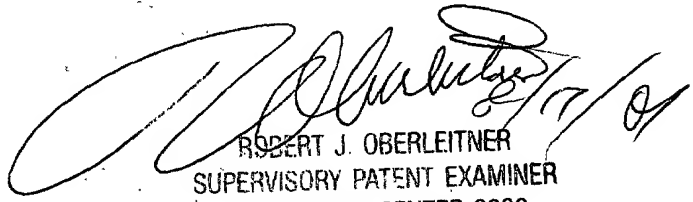
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5. Claims 10-17 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsai, Huang (6148964), Li, Huang (6199669), Di Bella, Lumpkin, Isai, Leitner, Miyashita, Smith et al, Burnett et al, and Chern all provide brake calipers which are actuated by a cable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon Kramer whose telephone number is (703) 305-0839.


ROBERT J. OBERLEITNER
SUPERVISORY PATENT EXAMINER
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DK

August 15, 2001